

GAHC010258492024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./1480/2024

ROMJAN ALI
S/O LATE ABU TALEB
R/O VILL- RIVER BLOCK 10 N.C.
P.S. DHUBRI
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:ALKAS ALI
ASI
HALAKURA POLICE CHECK POST (PCP)
P.O. HALAKURA
DIST. DHUBRI
ASSAM
PIN-783335

Advocate for the Petitioner : MR. S ISLAM, A R MONDAL, MR A HAWARI

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

04.12.2024

Heard Mr. S. Islam, the learned counsel appearing for the petitioner. Also heard Mr. R.R. Kaushik, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 528 of the BNSS, 2023 in respect of PRC Case No.42/2024 pending in the court of learned Sub-Divisional Judicial Magistrate (S), Dhubri (corresponding to Golakganj P.S. Case No.298/2023.

3. The petitioner has been shown as an absconder in the *charge sheet*. He, now, wants to appear before the trial court. The petitioner submits that the offences are sessions triable and the court of Sub-Divisional Judicial Magistrate (S), Dhubri has no jurisdiction to entertain his bail application. Therefore, he apprehends that whenever he appears before the court of SDJM, he will be remanded to custody.

4. I have considered the submissions made by the learned counsel of both sides.

5. Since the petitioner wants to face the trial, he deserves to be given an opportunity to that effect. Therefore, his prayer is allowed.

6. The orders issuing bailable warrant of arrest against the present petitioner are set aside.

7. The petitioner is directed to appear before the court of Sub-Divisional Judicial Magistrate (S), Dhubri on 17.12.2024 and on his appearance, he shall be released on

bail of ₹20,000/- with a surety of like amount to the satisfaction of the Sub-Divisional Judicial Magistrate (S), Dhubri.

With the aforesaid direction, the present petition is disposed of.

JUDGE

Comparing Assistant